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1 IN THE UNITED STATES DISTRICT COURT FOR THE
2 WESTERN DISTRICT OF PENNSYLVANIA
3
4 CONSOLIDATION COAL COMPANY,)
5 Plaintiff,)
6 vs.)
7 UNITED STATES DEPARTMENT OF)
8 THE INTERIOR, NATIONAL PARK)
9 SERVICE,)
10 and)
11 CAROL D. SCHULL, individually)
12 and in her capacity as the)
13 Keeper of the National Register)
14 of Historic Places,)
15 and)
16 ROY BRENDEL and DIANE BRENDEL,)
17 Defendants.)
18

Civil Action
No. 00-2120

14

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16 DEPOSITION OF: DIANE F. BRENDEL

17

18

19 DATE: February 8, 2006
Wednesday, 9:30 a.m.

20

21

LOCATION: Thorp Reed & Armstrong
14th Floor
One Oxford Centre
Pittsburgh, PA 15219

22

TAKEN BY: Consolidation Coal Company

23

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REPORTED BY: Keith G. Shreckengast, RPR
Notary Public
AKF Reference No. KS92307

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1 DEPOSITION OF DIANE F. BRENDEL,
2 a witness, called by the Plaintiff for examination,
3 in accordance with the Federal Rules of Civil
Procedure, taken by and before Keith G. Shreckengast,
3 RPR, a Court Reporter and Notary Public in and for
the Commonwealth of Pennsylvania, at the offices of

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EXHIBIT

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4 Q. Precisely what is the surface of a Spanish
5 Revival patio?

6 A. I guess you would call it flagstone. It's not
7 the garish square slate, it's more like a
8 romantically irregularly shaped flagstones
9 which are muted in color.

10 Q. How about these verandas, what's so peculiar
11 about a veranda in Spanish Revival
12 architecture?

13 A. Spanish homes are known for their verandas.
14 These verandas have wrought iron railing
15 around, and wrought iron tables and chairs, and
16 large plants.

17 Q. The tables and chairs are actually built into
18 the veranda, or are they placed on it?

19 A. No, just placed.

20 Q. So you said wrought iron and something else, I
21 missed it. Wrought iron, tables and chairs.
22 what else?

23 A. Plantings, almost like a palm tree, in
24 beautiful Spanish urns.

25 Q. Are there palm trees on your veranda?

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1 A. I had not the actual tree, but from the palm
2 tree family, that looked exotic.

3 Q. So it's the plantings such as palm trees that
4 are one of the factors in deciding that the
5 veranda is of a Spanish Revival style?

6 A. Those are just my ideas. I have not been
7 schooled in this.

8 Q. I understand. I asked you what was your

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9 understanding?

10 A. Yes.

11 Q. What is your answer to my question?

12 A. I just got done answering your question.

13 MR. KATARINCIC: Read it back,
14 please.

15 - - - -

16 (The record was read back by the Reporter.)

17 - - - -

18 A. That's probably just my idea of what --

19 Q. How about the intricate ironwork, I believe you
20 said, explain that, please.

21 A. What do you want me to explain?

22 Q. What is intricate about it?

23 MR. HOOK: What is the relevance of
24 these questions, Mr. Katarincic?

25 MR. KATARINCIC: I don't have to

1 explain it to you.

2 MR. HOOK: Then I'm going to instruct
3 her not to answer. These are not eliciting
4 facts that are in any way relevant to this
5 case. This house was put on the Historic
6 Register based on documents prepared by Clinton
7 Piper. This person is not trying to justify
8 with her own background the listing of the
9 house on the Historic Register. For you to
10 keep asking these inane questions, without any
11 hint at relevance, is simply unreasonable,
12 burdensome, and a total waste of her time. So

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13 move on.

14 MR. KATARINCIC: I'm not moving on.

15 MR. HOOK: Yes, you are.

16 BY MR. KATARINCIC:

17 Q. Tell me what is the intricate ironwork that you
18 said is part of the decision or determination
19 that a structure is of Spanish Revival?

20 MR. HOOK: Don't answer.

21 Q. But the idea that this was a Spanish Revival
22 structure was the basis for your going to have
23 it designated, was it not?

24 MR. HOOK: Don't answer.

25 Q. What was your basis for having it designated?

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1 MR. HOOK: She told you why. She's
2 answered that question, Mr. Katarincic, if you
3 would pay attention. She answered it twice.
4 She felt it was a historic structure. She was
5 advised it was a historic structure by
6 Mrs. Williams. And she hired somebody to
7 determine whether it was. And that's why it
8 was placed, because Mr. Clinton Piper did his
9 investigation. You've been told all of this in
10 detail earlier.

11 MR. KATARINCIC: You understand
12 you're just coaching this witness?

13 MR. HOOK: No, I'm not coaching this
14 witness. I'm repeating back to you her
15 testimony, which you apparently refuse to
16 acknowledge.

17 MR. KATARINCIC: You're coaching this
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18 witness. This is not permitted under the
19 Federal Rules.

20 BY MR. KATARINCIC:

21 Q. Is there any intricate ironwork on your
22 structure?

23 A. Yes.

24 Q. And where is it located?

25 A. There's an intricate iron railing around the

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1 kitchen porch. There's an intricate iron
2 railing around the side porch. There's an iron
3 railing around the back veranda. There's an
4 iron railing around the veranda by the bedroom.
5 There's an iron gate actually inside the house
6 leading from one room to another. There is an
7 actual cutout in the stairway with an iron gate
8 through which you can see into the next
9 hallway.

10 Q. And what, aside from the number of ironwork or
11 iron railings, is there anything about your
12 characteristics that's peculiar to Spanish
13 Revival?

14 A. I don't know.

15 Q. So you're basically saying a large number of
16 them is indicative of Spanish Revival?

17 A. I'm saying I don't know if it's indicative of a
18 Spanish Revival. I leave that to the experts.

19 Q. I know Mr. Hook suggested you should say that,
20 but is that your real answer?

21 A. He's not suggested anything to me. I'm trying

22 to tell you about my intricate iron, and you
23 keep asking me about it. I don't know what
24 else to say about intricate iron.
25 Q. That's fine. If that's all you know, that's

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1 fine. Let's go to the -- you said columns.
2 Are there columns?
3 A. Yes.
4 Q. What was there about these columns that
5 supported or related to a Spanish Revival type
6 structure?
7 A. Again --
8 MR. HOOK: Mr. Katarincic, stop. She
9 explained to you that columns to her
10 understanding are one of the elements of
11 Spanish Revival architecture. You've just
12 asked her that question again.
13 Q. Will you describe these columns to us, please?
14 A. They're just columns.
15 Q. How high, how large, what is peculiar about
16 them?
17 A. They go from the patio, they hold up, actually
18 support one of the bedrooms. And they go along
19 the entire porch.
20 Q. These are concrete?
21 A. Concrete. No, not concrete. They're concrete
22 and steel.
23 Q. So they're hollow in the center?
24 A. I don't know.
25 Q. You can see the steel when you look at the

1 column?

2 A. They're painted. I don't know what they are.

3 Q. You said they were steel.

4 A. Well, I'm assuming they're steel.

5 MR. HOOK: What's the relevance of
6 this? You could go out there and look at this
7 house. This is harassing this witness. If you
8 don't want to ask her stuff that's relevant,
9 we're going to end this thing.

10 MR. KATARINCIC: It's your decision
11 what to do.

12 MR. HOOK: Move it along.

13 MR. KATARINCIC: I'll move it as I
14 see appropriate. If you want to hustle
15 business in Greene County, put a sign up, don't
16 do it in here.

17 MR. HOOK: What kind of comment is
18 that, Mr. Katarincic?

19 BY MR. KATARINCIC:

20 Q. Will you describe these columns to us as best
21 you can?

22 A. They're white columns. I know that they have a
23 cement base. What the actual columns are made
24 of, I don't know.

25 Q. How many of these columns are there?

1 A. They've been covered up for so long behind all
2 the mitigation that I can't even remember what
3 my porch looks like.